

Before the Federal Trade Commission

In re: # Competition and Consumer Protection in the 21st Century Hearings

Project No. P181201

Docket No. FTC-2018-0055

Topic 8: The Role of Intellectual Property and Competition Policy in Promoting Innovation

Comments of Gregory K. Leonard

Brief Statement of Qualifications

I am an economist and partner at Edgeworth Economics LLC. I received a Ph.D. in Economics from the Massachusetts Institute of Technology. I have testified as an expert economic witness in many of the recent FRAND-related litigation cases, as well as at the FTC's 2009 hearings on the Evolving IP Marketplace. I am currently Vice Chair for Economics of the Editorial Board of the *Antitrust Law Journal*.

Comments

In my opinion, it would be useful for the FTC to explore in the upcoming hearings what we actually understand, based on rigorous empirical studies, about the effects of various aspects of IP policy on overall welfare or innovation. In debates over IP policy, one often hears from one side or the other (and often both) dramatic rhetoric, such as “the patent thicket is strangling innovation” or “the U.S. patent system has been so weakened that soon the U.S. will no longer be the world’s leading innovator country.” But, these statements are presented largely as articles of faith. Neither side offers much in the way of empirical support for them. So, a useful function of the FTC hearings would be to explore what is known—and what is not known—about this important issue. Policy should be guided by the state of scientific knowledge, not articles of faith. I have attached an article I published in *The Antitrust Source* that expands on this point.